

REMARKS

The Office Action mailed May 15, 2008 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Rejection(s) Under 35 U.S.C. §102

Claims 65-71 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Fujita et al. (U.S. pat. no. 6,118,435). Applicants respectfully traverse.

Claim 65, from which the remaining claims depend, recites, *inter alia*, “a first piezoelectric actuator directly coupled to the touch screen.” (Emphasis added) This feature is not disclosed in Fujita et al. Rather, driving portion 5 and touch panel 3 are separated by a press detection switch 6 and touch panel support 4 in Fujita et al.

The contention in the Office Action that, under a “broadest reasonable manner” interpretation, such separation in Fujita et al. can simply be ignored stretches the broadest reasonable manner interpretation mandate beyond acceptable limits. In other words, ignoring the separation of driving portion 5 and touch panel 3 by press detection switch 6 and touch panel support 4 is not a reasonable interpretation of direct coupling. The MPEP cautions that “The words of a claim must be given their ‘plain meaning’ unless such meaning is inconsistent with the specification.” (MPEP §2111.01(I)) The MPEP cites Chef America, Inc. v. Lamb-Weston, Inc., 69 USPQ2d for the decision that “Ordinary simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say.” (*Id.*, emphasis added) The Examiner’s interpretation by these standards is unreasonable because it completely ignores the term “directly,” which is not shown Fujita et al.

It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. §102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.¹ The aforementioned reasons clearly indicate the

¹ Manual of Patent Examining Procedure (MPEP) §2131. See also Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

contrary, and withdrawal of the 35 U.S.C. §102 rejection based on Fujita et al. is respectfully urged.

Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
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